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California Regional Water Quality Control Board

Los Angeles Region

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Arnold Schwarzenegger
Governor

NOTICE OF FILING / NOTICE OF HEARING

TO: Any Interested Person

FROM: California Regional Water Quality Control Board, Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

DATE: December 8, 2003

SUBJECT: Notice of Filing Submitted under section 21080.5 of the Public Resources Code

PROPONENT: California Regional Water Quality Control Board, Los Angeles Region

TITLE: Amendment to the Water Quality Control Plan for the Los Angeles Region

CONTACT: Deborah Neiter, (213) 576-6763
Environmental Scientist
TMDLs and Water Quality Standards

LOCATION: Los Angeles Region

DESCRIPTION: Early Life Stage Provision - Freshwater Ammonia Objectives For Inland Surface Waters

This notice is to advise any interested person that the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) will hold a public hearing on January 29, 2004. The subject under consideration is an amendment to the Water Quality Control Plan for the Los Angeles Region to revise the Early Life Stage (ELS) provision of the freshwater ammonia objectives for inland surface waters (including enclosed bays, estuaries and wetlands) for protection of "Aquatic Life." The public hearing will be held at Simi Valley City Council Chambers, 2929 Tapo Canyon Road, Simi Valley, California, beginning at 9:00 AM.

Copies of the tentative resolution, proposed amendment, staff report, and CEQA checklist are available on the website of the Los Angeles Regional Water Quality Control Board at: http://www.swrcb.ca.gov/~rwqcb4/html/meetings/tmdl/Basin_plan/basin_plan_amendment_tmdl.htm. If you would like these documents sent in hard copy, please call Sandra Kelley at (213) 576-6619 or fax your request to her attention at (213) 576-6686.

Actions to amend the Basin Plan will be taken in accordance with a regulatory program exempt under section 21080.5 of the Public Resources Code from the requirement to prepare an environmental impact report under the California Environmental Quality Act (Public Resources Code section 21000 et seq.) and with other applicable laws and regulations. Additional regulations or policies, consistent with the general purpose of the proposed amendment and complementary to the proposal may

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be developed at the hearing as a logical outgrowth. The Regional Board will take action on the proposed amendment after hearing staff's presentation and public comments.

The Regional Board is soliciting comments on the tentative resolution, proposed amendment and supporting documents. The Regional Board is interested in both comments on the general provisions of the proposed amendment as well as on the specific waterbodies proposed for inclusion in the amendment (as shown in Attachment 1). In order to be fully considered by the Regional Board, written comments and exhibits must be submitted to the Regional Board no later than 4:00 p.m. on January 22, 2003. Failure to comply with these requirements is grounds for the Board to refuse to admit the proposed written comment or exhibit into evidence (California Code of Regulations, title 23, section 649.4).

Comments should be submitted to:

California Regional Water Quality Control Board
Los Angeles Region
320 W. 4th Street
Los Angeles, California 90013

ATTN: Deborah Neiter

All exhibits including charts, graphs and other testimony presented at the public hearing must be left with the Regional Board for inclusion in the Administrative Record. Please note that the Regional Board may impose time limits on oral testimony at the public hearing. Please contact Deborah Neiter at (213) 576-6763 if you have any questions.

Background

The Regional Board will consider amending its Basin Plan to revise Chapter 3 "Water Quality Objectives" of the Basin Plan and, specifically, update the implementation language included as part of the freshwater ammonia objectives relative to the protection of Early Life Stages (ELS) of fish in inland surface waters. The current Basin Plan contains ammonia objectives to protect ELS of fish in inland surface waters supporting aquatic life. The current ammonia objectives were incorporated into the Basin Plan as part of a Basin Plan amendment adopted by the Regional Board on April 25, 2002. Existing freshwater ammonia objectives are based on U.S. EPA guidance entitled, "1999 Update of Ambient Water Quality Criteria for Ammonia."

This amendment is submitted as a result of the Regional Board's direction to staff, during the April 25, 2002 board meeting adopting the existing ammonia objectives, to evaluate the adequacy of the SPWN (Spawning, Reproduction, and/or Early Development) beneficial use designation as a proxy for the presence of ELS. Specifically the current amendment revises the implementation provision that states, "waterbodies with a Basin Plan designation of "SPWN" support high quality aquatic habitats suitable for reproduction and early development of fish and, therefore, these waterbodies are designated as Early Life Stage (ELS) present waters."

At the direction of the Regional Board, Regional Board staff convened a Technical Advisory Committee (TAC), made up of experts in the field of fish biology and local fish populations. The purpose of the

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TAC was to discuss the most appropriate way to implement the ELS provision of the recently adopted freshwater ammonia objectives. After considering several alternatives, and in consultation with U.S. EPA, Regional Board staff selected the following alternative. Regional Board staff identified waterbodies to which there are discharges from Publicly Owned Treatment Works (POTWs). The focus on these selected waterbodies was deliberate due to a timeliness issue. Currently, POTWs are developing the means to meet water quality objectives for ammonia, making it important to set these objectives as precisely as possible in the waterbodies to which large POTWs discharge. For those waterbodies to which POTWs do not discharge, based on existing regulatory frameworks and information ELS fish are assumed present at all times.

Focusing on waterbodies that receive large POTW discharges, staff determined for each of these waterbodies whether winter spawning species have been present at any time since November 1975. Considering the species most likely present in the Los Angeles region's inland surface waters, there are two broad categories into which the waterbodies can be classified based on the spawning season. If winter spawning fish are present in a particular waterbody, the waterbody is considered ELS present year-round. If no winter spawning fish are present in a particular waterbody, the waterbody is considered ELS present from March to November and ELS absent from December to February, based on spawning periods for warm water species in the Los Angeles region. All remaining waterbodies outside of the set (to which large POTWs discharge) are designated as ELS present year-round unless data are collected to demonstrate otherwise. To implement the ELS provision of the freshwater ammonia objectives, two broad classes of waterbodies are identified:

Waterbody Class	Early Life Stage (ELS) Present Period
Class I	Year-round
Class II	March 1 through November 30

Re-assignment of waterbodies to either Class I or II may be allowed provided that a waterbody specific assessment is conducted to justify re-assignment. Re-assignment of waterbodies must be approved through the Basin Plan Amendment process. In addition, where there is an effort to re-assign a waterbody to Class I or II due to the presence or absence of a threatened or endangered species, site-specific information on the species must be presented.

A complete list of waterbodies in each of the two classes is attached.

12/08/03

Jonathan Bishop
Chief, Regional Programs Section

Date

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Classification of Water Bodies for Implementation of the ELS Provision

Class I ¹	Class II ²
All water bodies not listed in Class II.	Arroyo Las Posas
	Arroyo Conejo
	Conejo Creek
	Arroyo Simi
	San Jose Creek
	Coyote Creek
	Dry Canyon Creek
	Burbank Western Wash

¹ Early Life Stage (ELS) Present period is year-round.

² Early Life Stage (ELS) Present period is March 1 through November 30.